



## BENOÎT LE BARS

CO-FOUNDING PARTNER & ARBITRATOR

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Benoît Le Bars, co-founder and Managing Partner of Lazareff Le Bars, specialises in corporate law, international trade law, international contracts and the law of OHADA. Benoit represents clients in international arbitration, mediation, enforcement, French litigation and other parallel proceedings. Benoît also provides strategic advice on cross-border investment transactions and other international projects.

In addition to his work as counsel, Benoit has acted as arbitrator in over 200 arbitration panels related to Investor-State and commercial arbitration either as sole arbitrator, party-appointed co-arbitrator or as President of an arbitral Tribunal.

In 2016 and in recognition of his contribution to effective dispute resolution in Africa, Benoît Le Bars received the prestigious “Cauri d’Or de l’intégration” prize in Senegal.

Benoît is invited to moderate and speak at numerous conferences and events related to dispute resolution and in particular in France, the United States and Africa.

### LANGUAGES

French, English and Spanish

### EDUCATION & MEMBERSHIPS

Expert Member of the Practice and Standards Committee of the Chartered Institute of Arbitrators (CI Arb) since March 2019 & member of CI Arb since 2015

Permanent member of the ICC International Arbitration Commission, member of the French ICC Committee of Arbitration (ICC France)

Arbitrator listed with of the London Court of International Arbitration (LCIA), Swiss Arbitration Association (ASA), Singapore International Centre (SIAC), British Virgin Islands Arbitration Center (BVIAC), Common Court Justice & Arbitration (CCJA-OHADA), Kigali Arbitration Centre and the Centre for Mediation of Paris (CMAP)

Member of the International Arbitration Institute (IAI), French Arbitration Association (AFA), International Arbitration Council (CPR) and ICCA

PhD in private law (1998) – Paris I, Sorbonne University Law School

Postgraduate degree in commercial & business law (1994) – Paris I, Sorbonne University Law School

Master's degree in business & tax law (1993), Paris II, Assas University Law School

Benoit is often a teacher and lecturer as a professor of law in the United States and in France:

- Distinguished Adjunct Professor of Law at the Vermont Law School, French and European corporate law, arbitration
- Senior Lecturer, business law, international commerce law, corporate law and arbitration at Cergy-Pontoise, University Law School
- Associated expert in international arbitration and international trade law at the ESSEC Business School Research Center (Centre Européen de Droit et d'Economie)

## PUBLICATIONS

*Arbitrage Commercial International. Les grands arrêts du droit français*, avec la collaboration de Joseph Dalmasso, LexisNexis, 2016 with English version released in 2019 (*"International Commercial Arbitration: Landmark decisions of French arbitration I"*)

*Droit des sociétés et de l'arbitrage international – Pratique en droit de l'OHADA*, Joly-Lextenso, 2011 with the English version in 2013 (*"International Arbitration and Corporate Law: An OHADA Practice"*-Eleven Publishing)

*"Strengthening the Arbitrator's Role in Competition Law through the Directive on Actions for Damages"* (October 2017, *International Business Law Journal* (Sweet & Maxwell – Volume 4 of 2017) (co-author: Lucian Ilie)

*"Chronicle of CCJA Arbitration"*, *Revue de l'arbitrage*, (September 2017) (co-author: Athina Fouchard Papaefstratiou)

*"Interim Measures in International Investment Arbitration"* *Investment Treaty Arbitration Review*, 2017 (co-author: Athina Fouchard Papaefstratiou)

*Droit du commerce international – 2nd édition*, LexisNexis, 2011 (Awarded as Best Law Book 2011 by French “*Académie des Sciences Morales et Politiques*”, 2012)

Participated in drafting and supervising the team of authors in *Le droit uniforme africain des affaires issu de l’OHADA* with Boris Martor, Nanette Pilkington, David Sellers et Sébastien Thouvenot, 2nd édition, LexisNexis-Litec, 2009

*Minority shareholders’ associations*, *Bibliothèque de droit privé*, Tome 392, LGDJ 1992, Price “Albert Wahl” for the thesis work in commercial law 1991

To date Benoit authored or co-authored more than 200 legal papers in law reviews in the fields of Arbitration, International commerce law and International Corporate law and finance

## ARBITRATION EXPERIENCE

Benoit acted as sole arbitrator, party nominated co-arbitrator and president in more than 200 cases to date in all major forii and a wide range of industry sectors including oil & gas, energy, construction & engineering, finance banking, JV & international corporate law, telecommunication, transportation, distribution & agency, sale & services agreements. A sample of his experience can be found below.

Co-arbitrator nominated by LCIA in the context of an LCIA arbitration proceedings with seat in London between an investor from Brazil and US and Korean investor and servicer for a deep sea-drilling project. The case value was close to 800 million USD and the applicable law was English law. After a very long hearing and evidentiary issues raised by the panel, it was agreed with the parties that the panel will draft an award that would never be released if the parties managed to reach an agreement. As this case was settled post hearing the award fully drafted was never realized in this matter related to the well-known “Petrobras” saga.

President nominated by the parties in an ICC arbitration with seat in Madrid and Portuguese applicable law concerning various defects in the reconversion of a refinery located in Sines (Portugal), for a total value claimed of more than 30 million euros. The award was issued in favour of Claimant with some counterclaims from Respondent also awarded.

President nominated by the Secretary general of CCJA Arbitration Centre (OHADA) in an international arbitration with seat in Abidjan and Cameroonian applicable law, in a case of customs duty fraud in the international import of vehicles between a private investor and the state of Cameroon for an amount of more than 120 million USD. Award issued in favour of Claimant with relevant improvement of local legislation in Cameroon regarding custom regulation.

Sole arbitrator nominated by parties' consent in the context of ad hoc arbitration proceedings (UNCITRAL Rules) between a Ukrainian and a Swedish company relating to the termination of a mining cooperation agreement in Norway with seat in Paris and English applicable law in a claim of more than 300 million USD. The case was settled before award after a first merits hearing.

President in the context of an ICC arbitration proceedings relating to the construction (under the aegis of French law) of a gas processing plant in Algeria (nominated by ICC) with seat in Alger over a close to 250 million USD claim. Award issued in favour of claimant.

Sole arbitrator nominated by the parties in an ad hoc proceeding between a French investor and a Congolese company relating to the construction of an hotel in Kigali and various substantive defects for more than 160 million USD. The case was settled before award after a first set of preliminary measures where some key financial questions were already addressed.

Co-arbitrator nominated by Claimant, a Congolese company with Belgian counsel, for infringement of various mining concession rights in DRC (Katanga region), breach of minority shareholders agreements and corporate governance issues under RDC and Ohada law with seat in Bruxelles over a 360 million dispute. Award issued in favour of Claimant.

President in a CEPANI case in Bruxelles under Belgian law for a mining concession in DRC and various breaches of concession rights for close to 90 million USD. Award issued in favour of Claimant.

Co-arbitrator nominated by the institution in a MIAC (Mauritius) arbitration case relating to construction project in Mauritius with UK applicable law and seat in Port-Louis over a 80 million GBP case. The case was settled before merits hearing.

Co-arbitrator nominated by respondent in an ICC case under Tchad law and seat in Paris between a group of companies acting under a joint-venture agreement against the Government of Tchad for a rural electrification project of more than 98 million USD. Award issued in favour of Respondent with duty to pay nominal invoices for services rendered.